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April 3, 2024

VIA Email (Chambers_of_Judge_Harvey_Bartle@paed.uscourts.gov)

The Honorable Harvey Bartle III, U.S.D.J.
 United States District Court for the
 Eastern District of Pennsylvania
 James A. Byrne U.S. Courthouse
 601 Market Street
 Philadelphia, PA 19106

Re: *Atlas Data Privacy Corp., et al v. Carco Group, Inc., et al.*
Civil Action No. 2:24-cv-04077

Application for an Extension of Time on Carco Group, Inc. and Intellicorp Records, Inc.'s Responsive Pleading Deadline

Dear Judge Bartle:

This firm represents Defendants Carco Group, Inc. and Intellicorp Records, Inc. (collectively, the “Carco Defendants”). We write to respectfully request a thirty-day extension of time for the Carco Defendants to answer, move, or otherwise plead in response to the Complaint that was filed in the above-referenced matter. If the extension is granted, the Carco Defendants’ new deadline to respond to the Complaint would be **May 11, 2024**.

As a preliminary matter, I note that I previously reached out to Plaintiffs’ counsel about the requested thirty-day extension to seek their consent to the relief now being sought. I sought to procure that consent because, prior to removing this matter from state court, Plaintiffs’ counsel originally consented to a thirty-day extension of time in state court. However, Plaintiffs’ counsel did not agree to execute the Stipulation of Extension either before or after the matter was removed to federal court.

On April 2, 2024, I conferred with Plaintiffs’ counsel about the extension of time. Plaintiffs’ counsel advised that he would not consent to any extension without an agreement from the Carco Defendants to waive certain defenses to the claims asserted. I advised Plaintiffs’ counsel that the Carco Defendants would not relinquish defenses, and would make an application for an extension of time directly to the Court.

The Honorable Harvey Bartle III, U.S.D.J.
April 3, 2024
Page 2



Because the Carco Defendants' original deadline to answer, move, or otherwise respond to the Complaint was March 28, 2024, they filed a Local Rule 6.1 Clerk's Extension, to allow time to consult with Plaintiffs' counsel. This Clerk's Extension moved the deadline to April 11, 2024.

The Carco Defendants now seek an additional thirty-day extension. The Carco Defendants believe the extension should be granted because they need additional time to investigate the claims asserted and research the novel legal issues presented by Plaintiff Atlas Data Corporation's ("Atlas") involvement in this case. Specifically, this case is one of approximately 200 cases that Atlas and various individuals filed alleging violations of New Jersey's Daniel's Law, N.J.S.A. 56:8-166.1. Atlas alleges it obtained assignments from more than 19,000 unidentified individuals, "including a significant number of individuals who are family members of judges, law enforcement officers, and prosecutors" who allegedly qualify as "Covered Persons" under Daniel's Law. Atlas also contends the email requests for non-disclosure were sent by "Covered Persons" from an automated "@AtlasMail.com" email platform. The Carco Defendants need the time to investigate the emails that were allegedly sent, whether the emails were sent by a "Covered Person," whether the emails contained information to verify the sender is actually a "Covered Person," whether the emails contained duplicates, and whether the emails were sent on behalf of fictitious individuals in an attempt to disable the Carco Defendants' email system. The extension will also allow the Carco Defendants time to research (i) the validity of the email notices; (ii) the validity of the assignments Atlas alleges it received from the more than 19,000 unidentified individuals referenced in the Complaint, and (iii) the legal defenses that apply to the highly unusual fact pattern presented in this case.

In light of the foregoing, good cause exists for the Court to grant the Carco Defendants' application and to extend the deadline to answer, move, or otherwise plead in response to the Complaint from April 11, 2024 to May 11, 2024. This extension of time to respond will not impact any deadlines or cause any prejudice. The parties have neither conducted a Rule 26(f) conference nor participated in a Rule 16 conference. This request is made in good faith and not for dilatory purpose.

Thank you for the Court's consideration of this request.

Respectfully submitted,

/s/ Angelo A. Stio, III
Angelo A. Stio, III

cc: Ronald I. Raether, Jr., Esq.
Mark Mao, Esq.
Rajiv Parikh, Esq.
John Yanchunis, Esq.

The Honorable Harvey Bartle III, U.S.D.J.

April 3, 2024

Page 3



SO ORDERED:

Honorable Harvey Bartle III, U.S.D.J.